

## GOVERNMENT OF TELANGANA

### ABSTRACT

Public Servants – Panchayat Raj & Rural Development Department – Allegations of irregularities in execution of work “BT Road from PWD road to MSC Form (PWD Road) via Ambam (V), ARP Camp, Jaithapur of Yedapally (M) in Nizamabad District”– Disciplinary proceedings initiated against Sri A.S.A. Gandhi, the then Deputy Executive Engineer, PR Sub-Division, Bodhan, Nizamabad District (now retired) - Orders dt.20.06.2017 in WP (Transferred) No. 39 of 2017 of Hon’ble High Court, Hyderabad - Imposition of a punishment of 2% (Two percent) cut in pension for a period of two (2) years – Orders – Issued.

#### PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

**G.O.Rt.No. 380**

**Dated: 12-07-2019**

Read the following:-

- Ref:
1. G.A. (V&E) Dept.’s Vigilance Report No.90 (873/V&E/E2/2003), dt.30.06.2003.
  2. Govt. Memo No.867/Vig.I/2003-9, PR & RD, dt. 18.5.2006.
  3. Written Statement of Defence of Sri A.S.A. Gandhi, Dy.E.E., PR Sub Division, Bodhan, dt. 1.8.2006.
  4. G.O.Rt.No.381, PR & RD (Vig.I) Dept., dt. 16.3.2007..
  5. From the Commissioner of Inquiries, GAD, D.O. Lr.No.128/COI- JR/ 2007, dt. 24.09.2008.
  6. Govt. Memo No.867/Vig.I/2003-13, PR & RD (Vig.I) Dept., dt. 31.7.2009.
  7. From Sri A.S.A. Gandhi, formerly Dy.E.E., PR Sub Division, Bodhan,dt.31.12.2009.
  8. Govt. Memo No.867/Vig.I/2003-17, PR & RD (Vig.I) Dept., dt. 28.12.2011
  9. Orders dt.20.06.2017 in WP (Transferred) No. 39 of 2017 of Hon’ble High Court, Hyderabad
  10. Govt. Letter No.867/Vig.I/2003-29, PR & RD (Vig.I) Dept., Dt . 29.03.2019
  11. From the Secretary to TSPSC, Letter No. 158/RT/TSPSC/2019, dt.23.05.2019

### **ORDER:**

Based on the recommendations of the GA (V&E) Department in their Vigilance Report in the reference 1<sup>st</sup> read above, and after examination of the same, a charge was framed under Rule 20 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 against Sri A.S.A. Gandhi, Dy.E.E., PR Sub Division, Bodhan (Retd.), on the allegations of irregularities in execution of work “BT Road from PWD road to MSC Form (PWD Road) via Ambam (V), ARP Camp, Jaithapur of Yedapally (M) in Nizamabad Dist.” vide reference 2<sup>nd</sup> read above along with (3) others. In the reference 3<sup>rd</sup> read above, the Charged Officer has submitted his written statement of defence.

2. After examining the Written Statements of Defence, orders were issued by appointing Sri Janak Raj, IPS (Retd.), Commissioner of Inquiries, G.A.D. as Inquiry Officer for conducting a detailed inquiry into the charges framed against Sri A.S.A. Gandhi, Dy.E.E., PR Sub Division, Bodhan, Nizamabad District along with others, as per Rule 20 (2) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991. Government have also appointed Sri P.Ganeshwar Rao, CE, RWS-2, Hyderabad as Presenting Officer, to present the case before the Inquiry Officer under Rule 20 (5)(c) of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 as their Written Statements of Defence are not convincing.

3. In the reference 5<sup>th</sup> read above, the Inquiry Officer has submitted his Inquiry Report stating that the charges against all the four charged officers are not proved. Government have examined the Inquiry Report and disagreed with the findings of the Commissioner of Inquiries. A copy of Inquiry Report has been communicated to Sri A.S.A. Gandhi, formerly Dy.E.E., PR Sub Division, Bodhan (Retd.) along with the disagreement factors with a direction to submit his explanation, if any, thereon vide reference 6<sup>th</sup> read above. The charged officer has submitted his representation, vide reference 7<sup>th</sup> read above.

4. After examination of the representation of the Charged Officer, Government have provisionally decided to impose a penalty of “withholding 5% (five percent) pension for a period of (5) years” against Sri A.S.A. Gandhi, formerly Dy.E.E., PR Sub Division, Bodhan (Retd.), under Rule-9 of A.P. Revised Pension Rules, 1980. Accordingly, a Show Cause Notice has been issued to the Charged Officer vide reference 8<sup>th</sup> read above.

(P.T.O)

::2::

5. Aggrieved by the above Show Cause Notice, Sri A.S.A. Gandhi, formerly Dy.E.E., PR Sub Division, Bodhan (Retd.) has approached the Hon'ble High Court, Hyderabad. In the reference 9<sup>th</sup> read above, the Hon'ble High Court in its Orders dt.20.06.2017 in WP (Transferred) No. 39 of 2017 has ordered as follows:

" .....

The issue concerns the year 2003. Petitioner retired from service in the year 2010. Show Cause Notice was issued in the year 2011 and this writ petition is taken up for disposal. Having regard to the above time line, this Court is of the opinion that instead of remitting the matter to the Government to the stage of consideration of explanation to show cause notice dated 31.07.2009, it is just and equitable to dispose of the writ petition by accepting the prayer of the petitioner to impose punishment of 2% cut in pension for a period of two years and to close the litigation.

Having regard to the above observations, writ petition is disposed of granting liberty to the respondent Government to impose punishment of 2% cut in pension, operative for a period of two years. Such punishment shall be prospective and operative from the date of taking such a decision.

....."

6. In pursuance of the above Orders, the entire matter has been examined in consultation with the Advisory Departments, Government have provisionally decided to impose a punishment of 2% (Two percent) cut in pension for a period of two (2) years on Sri A.S.A. Gandhi, the then Deputy Executive Engineer, PR Sub-Division, Bodhan, Nizamabad District (now retired), under Rule 9 of Telangana Revised Pension Rules, 1980. Accordingly, the Telangana State Public Service Commission, Hyderabad, was consulted on the above proposed punishment, vide reference 10<sup>th</sup> read above. The Telangana State Public Service Commission, Hyderabad, in the reference 11<sup>th</sup> read above, has conveyed its concurrence with the above proposal of the Government.

7. Government after careful examination of the entire matter have decided and hereby order to impose a punishment of 2% (Two percent) cut in pension for a period of two (2) years on Sri A.S.A. Gandhi, the then Deputy Executive Engineer, PR Sub-Division, Bodhan, Nizamabad District (now retired), under Rule 9 of Telangana Revised Pension Rules, 1980 on the irregularities committed in execution of work "BT Road from PWD road to MSC Form (PWD Road) via Ambam (V), ARP Camp, Jaithapur of Yedapally (M) in Nizamabad District".

8. The Engineer-in-Chief, Panchayat Raj, Hyderabad, shall take further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

VIKAS RAJ  
PRINCIPAL SECRETARY TO GOVERNMENT (PR&RD)

To

Sri A.S.A. Gandhi, the then Deputy Executive Engineer, PR Sub-Division, Bodhan,  
Nizamabad District (now retired), **through** the Engineer-in-Chief, PR, Hyderabad.  
The Engineer-in-Chief, Panchayat Raj, Hyderabad

**Copy to:**

The Director General, General Administration (V&E) Department  
(w.r.t. Vigilance Report No.90 (873/V&E/E2/2003), dt. 30.06.2003)  
The Secretary, TSPSC, Hyderabad.  
The Secretary to VC, Telangana Vigilance Commission, Hyderabad.  
The Accountant General, Telangana, Hyderabad.  
SF/SC.

//FORWARDED ::BY ORDER//

SECTION OFFICER